UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,192	01/20/2000	SCOTT A. FIELD	MSI-407US	5535

22801	7590	06/13/2005

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EXAMINER
PARTHASARATHY, PRAMILA

ART UNIT	PAPER NUMBER
2136	

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/489,192	FIELD, SCOTT A.
	Examiner	Art Unit	
	Pramila Parthasarathy	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 March 2005</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-26,28-30,32-42 and 44-48* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-13,16-26,28-30,32-42 and 44-48* is/are rejected.

7)☒ Claim(s) *14 and 15* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. <u>05/26/2005</u>

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to remarks and arguments filed on March 29, 2005.

Claims 1, 4 – 26, 28 – 30, 32 – 42 and 44 – 48 are pending for examination. Claims 14

and 15 are objected.

Response to Arguments

2.   Applicant's arguments filed on February 04, 2005, have been fully considered but

for Claims 1, 4 – 13, 16 – 26, 28 – 30, 32 – 42 and 44 – 48, they are not persuasive for

the following reasons:

3.   Herbert discloses a method and a system for maintaining confidentiality of pages

paged to an external storage unit from a physical secure environment wherein the

outgoing page is encrypted and then exported to the external storage. The physically

secure environment contains both an asymmetric encryption/decrypting engine and

symmetric encryption/decryption engine that encrypts outgoing pages and decrypts the

incoming pages. Key is generated during installation wherein different keys can be

generated with one key for each application. Alternatively, a separate key could be

generated for each page.

4.   Regarding independent Claims 1, 11, 19, 25, 30, 36, 41, 42, 47 and 48, applicant

argued that the cited prior art Herbert et al. (U.S. Patent Number 6,708,274) does not

teach "a key created during system **boot up,** wherein **different keys** can be created

during **different** system boot ups" (Emphasis added). This is not found persuasive.

Herbert discloses that a key is generated during system boot up, i.e., during

installation and that different keys can be generated for each application/page.

Installation (which uses a startup program to issue a software command to restart)

involves modifying system startup files as necessary, i.e., setting up an application for a

particular combination of other applications including booting up the system. Instant

application reads, "different key for each new computer session" and Herbert discloses

different key generation at each application installation, i.e., at each different system

boot up. Furthermore, start up program includes cold boot, warm boot or issuing a

software command to restart (see Microsoft Computer Dictionary Fifth edition pages 69,

276 and 442 for installation, boot up and reboot definitions).

5.   Therefore, the examiner respectfully asserts that the cited prior art does teach or

suggest the subject matter "a key created during system **boot up,** wherein **different**

keys can be created during **different** system boot ups", broadly recited in the

independent claims 1, 11, 19, 25, 30, 36, 41, 42, 47 and 48. The dependent claims 4 –

9, 12 – 13, 16, 17, 18, 20 – 24, 26, 28, 29, 32 – 35, 36 – 40 and 42 – 46 are rejected at

least by virtue of their dependency on the dependent claims and by other reason set

forth in this office action.

6.   Accordingly, the rejection for the pending claims 1, 4 – 13, 16 – 26, 28 – 30, 32 –

42 and 44 – 48 is respectfully maintained. Please refer to previous office action, dated

January 05, 2005 for claims 1, 4 – 13, 16 – 26, 28 – 30, 32 – 42 and 44 – 48 rejection.

Allowable Subject Matter

7.   Claims 14 and 15 are objected to as being dependent upon a rejected base

claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

8.   The following is a statement of reasons for the indication of allowable subject

matter: Independent Claim 11 is rejected as above and dependent Claim 14 reads, "…

designating at least one page in the main memory with a designation; recognizing the

designation and, responsive thereto, calling the operating system kernel to encrypt the

information."

Even though Herbert explicitly teaches that the encryption/decryption engine is

within the physically secure environment and that the real time kernel for secure

processor is stored in the secure environment to perform all the basic operations

(including encrypting the outgoing pages and decrypting the incoming encrypted pages)

to be performed without external intervention (active or passive), Herbert explicitly does

not teach or fairly suggest that "designating at least one page in the main memory with

a designation and recognizing/calling the operating system kernel to encrypt the

information".

Conclusion

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

10.   Examiner's Note: Examiner has cited particular columns and line numbers in the

references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are

applied to the specific limitations within the individual claim, other passages and figures

may apply as well. It is respectfully requested from the applicant, in preparing the

responses, to fully consider the references in entirety as potentially teaching all or part

of the claimed invention, as well as the context of the passage as taught by the prior art

or disclosed by the examiner.

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Pramila Parthasarathy whose telephone number is 571-

272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m.. If attempts

to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz

Sheikh can be reached on 571-232-3795. Any inquiry of a general nature or relating to

the status of this application or proceeding should be directed to the receptionist whose

telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR only. For more

information about the PAIR system, contact the Electronic Business Center (EBC) at

866-217-9197 (toll-free).

Pramila Parthasarathy

EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER

June 07, 2005.